

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACKIE GARCIA,

Defendant.

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8:05CR252

ORDER

This matter is before the court on defendant's unopposed MOTION TO EXTEND DATE FOR FILING PRETRIAL MOTIONS AND TRIAL DATE [38]. For good cause shown, I find that the motion should be granted. The defendant will be given the requested extension that has been granted to co-defendants. Pretrial Motions shall be filed by September 2, 2005.

IT IS ORDERED:

1. Defendant's MOTION TO EXTEND DATE FOR FILING PRETRIAL MOTIONS AND TRIAL DATE [38] is granted. Pretrial motions shall be filed on or before **September 2, 2005**. A trial date will be set by further order of the court.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between July 22, 2005 and September 2, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED July 25, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge